

MOTION

1. Name and location of court that entered judgment of conviction under attack: United States District Court for the Central District of California

2. Date of judgment of conviction: November 9, 2021

3. Length of sentence: 57 months Sentencing judge: Hon. Philip S. Gutierrez

4. Nature of offense or offenses for which you were convicted: _____

5. What was your plea? (check one)

- ☒ Not guilty
☐ Guilty
☐ Nolo Contendere

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

6. Kind of trial: (check one)

- ☒ Jury
☐ Judge only

7. Did you testify at the trial?

- ☐ Yes ☒ No

8. Did you appeal from the judgment of conviction?

- ☒ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court United States Court of Appeals for the Ninth Circuit

(b) Result _____

(c) Date of result May 23, 2023

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any federal court?

☐ Yes ☒ No

11. If your answer to question number 10 was "yes," give the following information:

(a) (1) Name of Court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

☐ Yes ☐ No

(5) Result _____

(6) Date of result _____

(b) (1) Name of Court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

☐ Yes ☐ No

(5) Result _____

(6) Date of result _____

(c) (1) Name of Court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

☐ Yes ☐ No

(5) Result _____

(6) Date of result _____

(d) Did you appeal, to an appellate federal court having jurisdiction, the results of action taken on any petition, application, or motion?

(1) First petition, etc. ☐ Yes ☐ No

(2) Second petition, etc. ☐ Yes ☐ No

(3) Third petition, etc. ☐ Yes ☐ No

(e) If you did not appeal from the adverse action on any petition, application, or motion, explain briefly why you did not:

12. State concisely every ground on which you claim that you are being held unlawfully.

CAUTION: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date. For your information, the following is a list of the most frequently raised grounds for relief in this type of proceeding. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds that you have, whether listed below or not. However, you should raise in this motion all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

If you select one or more of the grounds listed below for relief, you must allege facts in support of the grounds you select. The petition will be returned to you if you merely check (a) through (j) or any one or more of these grounds without alleging facts in support.

- (a) Conviction obtained by plea of guilty that was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- ☒ (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: See attached Memorandum of Law and Facts (Ex-A)

Supporting facts (tell your story briefly without citing cases or law): _____

B. Ground two: _____

Supporting facts (tell your story briefly without citing cases or law): _____

C. Ground three: _____

Supporting facts (tell your story briefly without citing cases or law): _____

D. Ground four: _____

Supporting facts (tell your story briefly without citing cases or law): _____

13. If any of the grounds listed in 12 A, B, C, or D were not previously presented, state briefly what grounds were not presented, and give your reasons for not presenting them: _____

NA

14. Do you have any petition or appeal now pending in any court as to the judgment under attack?

☐ Yes ☐ No

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At a preliminary hearing: _____

(b) At arraignment and plea: James Tedford ; No plea

(c) At trial: 1st trial: James Spertus and Samuel Josephs
2nd trial: Faisal Gill and Aimee Gill

(d) At sentencing: 1st sentencing: James Spertus and Samuel Josephs
2nd sentencing: Faisal Gill and Aimee Gill

(e) On appeal: 1st Appeal: Charles Snyder and Reuven Cohen
2nd Appeal: M. Anthony Brown

(f) In any post-conviction proceeding: _____

(g) On appeal from any adverse ruling in a post-conviction proceeding: _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court at approximately the same time?

☒ Yes ☐ No

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

☐ Yes ☒ No

(a) If so, give the name and location of the court that imposed sentence to be served in the future: _____

(b) Give the date and length of sentence to be served in the future: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed sentence to be served in the future?

☐ Yes ☐ No

WHEREFORE, movant prays that the court grant him all relief to which he may be entitled in this proceeding.

N/A

 Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on 7-29-2024

 Date

[Signature]

 Signature of Movant

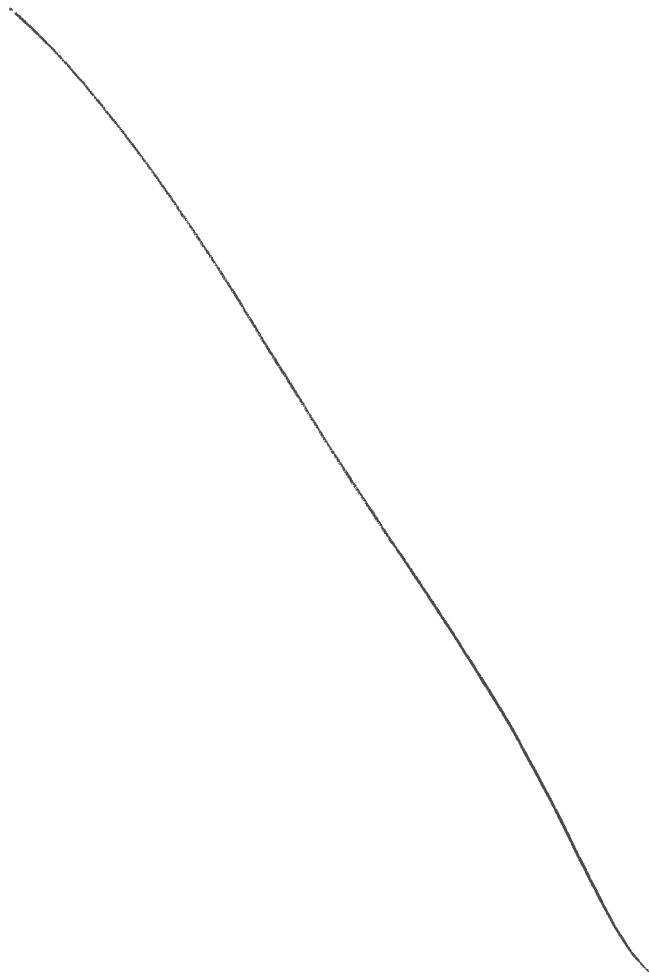


EXHIBIT-A

TRULINCS 67607112 - SARKISSIAN, KAREN - Unit: SET-E-C

Exhibit-1

w Memorandum of Law

FROM: Sarkissian, Suzanne
TO: 67607112
SUBJECT: Hello
DATE: 07/31/2024 07:06:07 PM

RE: 2020-5-28 Plea Agreement

This looks just fantastic. There is no assurance that immigration will not initiate removal proceedings but we have a very very strong defense because 1349 requires no overt act. I am fine with this. Please keep me posted on sentencing and if Gary goes into custody I want to stay in touch to be sure that when immigration officers interview him they have a copy of the attached Board decision.

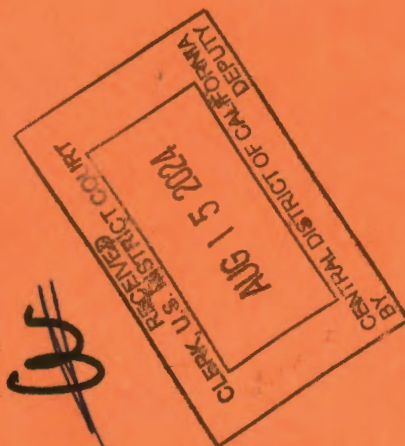
Great work!

Best,

Stacy

FROM,
Federal Detention Center
Karen Sarkissian
Reg.#67607-112 Unit EC
P.O. BOX 13900
SEATTLE, WA. 98198-1090

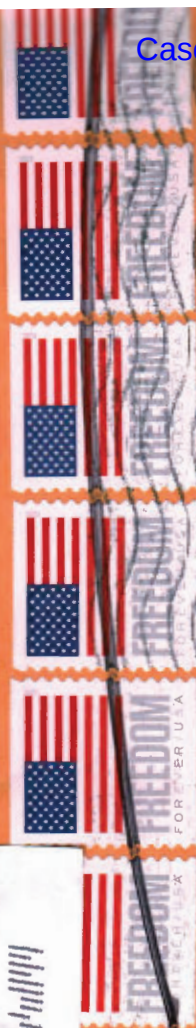
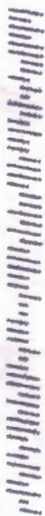
LEGAL
MAIL



To,

United States Courthouse,
Attn: Court Clerk
255 East Temple Street, Suite
Los Angeles, CA 90012

Seattle P&DC 981
MON 12 AUG 2024 PM



FEDERAL DETENTION CENTER
2425 SOUTH 200TH STREET
SEATAC, WA 98198

THE ENCLOSED LETTER WAS PROCESSED THROUGH SPECIAL MAILING PROCEDURES FOR FORWARDING TO YOU. THE LETTER HAS NEITHER BEEN OPENED NOR INSPECTED. IF THE WRITER RAISES A QUESTION OR PROBLEM OVER WHICH THIS FACILITY HAS JURISDICTION, YOU MAY WISH TO RETURN THE MATERIAL FOR FURTHER INFORMATION OR CLARIFICATION. IF THE WRITER ENCLOSES CORRESPONDENCE FOR FORWARDING TO ANOTHER ADDRESSEE, PLEASE RETURN THE ENCLOSURE TO THE ABOVE ADDRESS.

AUG 1 2024